

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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JOSHUA MALLORY,

Plaintiff,

v.

CRUMP POLICE STATION, et al.,

Defendants.

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No. 2:21-cv-02402-SHL-cgc

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
DISMISSING COMPLAINT**

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Before the Court is Magistrate Judge Charmiane G. Claxton's Report and Recommendation, (ECF No. 7), filed July 9, 2021. In the Report, Judge Claxton granted Plaintiff's in forma pauperis application and recommended that the Court dismiss Plaintiff's Complaint, (ECF No. 1).

A magistrate judge may submit to a judge of the court proposed findings of fact and recommendations for dismissal of a complaint for failure to state a claim. 28 U.S.C. § 636(b)(1)(B). "Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1) (2017). A district court reviews de novo only those proposed findings of fact or conclusions of law to which a party specifically objects; the rest are reviewed for clear error. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff objected to the Magistrate Judge's Report and Recommendation after the time to do so had expired. (ECF No. 8.) However, given his *pro se* status, the Court will consider his objections, although they are not specific to any finding of fact in the Report. Plaintiff added one allegation in his objection—that "[he] was taken to jail and the big fat guy that assaulted [him]

was not.” (ECF No. 8.) Plaintiff alleges that this arrest was due to his sexual orientation, but he does not support this conclusory allegation with any facts or show that the police were even aware of his sexual orientation. Thus, even considering his objection, he still has not stated a claim under 42 U.S.C. § 1983, as there is no specific allegation sufficient to support a finding of any constitutional violation.

The Court has reviewed the Report for clear error and finds none. Therefore, the Court **ADOPTS** the Magistrate Judge’s Report and **DISMISSES** the Complaint without prejudice.

**IT IS SO ORDERED**, this 2nd day of August, 2021.

s/ Sheryl H. Lipman  
SHERYL H. LIPMAN  
UNITED STATES DISTRICT JUDGE